

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

O'BRIEN SALES AND MARKETING,
INC.,

Plaintiff,

v.

TRANSPORTATION INSURANCE
COMPANY,

Defendant.

Case No. [20-cv-02951-MMC](#)

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS; DISMISSING
FIRST AMENDED COMPLAINT WITH
LEAVE TO AMEND**


Before the Court is defendant Transportation Insurance Company's ("Transportation") Motion, filed August 4, 2020, "to Dismiss Plaintiff's First Amended Complaint." Plaintiff O'Brien Sales and Marketing, Inc. ("O'Brien") has filed opposition, to which Transportation has replied. The matter came on regularly for hearing on October 9, 2020. G. David Godwin of Squire Patton Boggs (US) LLP appeared on behalf of Transportation; Matthew S. Weiler of Schneider Wallace Cottrell Konecky LLP appeared on behalf of O'Brien.

The Court, having considered the parties' respective written submissions as well as the arguments of counsel at the hearing, finds, for the reasons stated on the record at the hearing, O'Brien has not plausibly alleged a covered loss under the subject policy.

Accordingly, the Motion to Dismiss is hereby GRANTED, and O'Brien is hereby afforded leave to file, no later than November 2, 2020, its Second Amended Complaint.

IT IS SO ORDERED.

Dated: October 9, 2020


MAXINE M. CHESNEY
United States District Judge